

**ENTERED**

July 09, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONNORTH AMERICAN BUTTERFLY  
ASSOCIATION DBA NATIONAL  
BUTTERFLY CENTER, *et al*,

Plaintiffs,

VS.

NEUHAUS & SONS, LLC, *et al*,

Defendants.

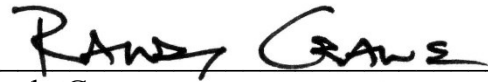
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CIVIL ACTION NO. 7:19-CV-00411

**ORDER TO SHOW CAUSE FOR FAILURE TO SERVE**  
**DEFENDANT BRIAN KOLFAGE**

Plaintiffs North American Butterfly Association and Mariana Trevino Wright filed their Original Petition and Application for Injunctive Relief in the above-referenced action on December 3, 2019, in the 398th Judicial District Court, Hidalgo County, Texas. (Dkt. No. 1, Exs. B, D). The record contains no indication that Defendant Brian Kolfage has been served.<sup>1</sup> See Dkt. No. 36 (noting Defendant Brian Kolfage has not been served). Therefore, the Court will order the dismissal without prejudice of Plaintiffs' claims against this Defendant unless Plaintiffs can show, within 14 days of the date of this Order, good cause for their failure to effect service within the time period prescribed by the Federal Rules. See FED. R. CIV. P. 4(m).

SO ORDERED this 9th day of July, 2020, at McAllen, Texas.


Randy Crane  
United States District Judge

<sup>1</sup> The Court notes that at the December 19, 2019 Status Conference Plaintiffs represented to the Court that they had attempted to serve Defendant Brian Kolfage six times and would be filing a motion to substitute service. Nearly seven months later, at the July 8, 2020 Status Conference, Plaintiffs again represented that they intended to file a motion to substitute service. The Court issues this Order now as seven months have passed since Plaintiffs filed their Original Petition (Dkt. No. 1, Ex. B), and Plaintiffs have yet to serve Defendant Brian Kolfage.